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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,945	12/29/2000	Jiandong Huang	256.078US1	7950

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EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,945

Applicant(s)

HUANG ET AL.

Examiner

Bunjob Jaroenchonwanit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,7. 6) ☐ Other: _____

DETAILED ACTION

1. This application has been reviewed. Original claims 1-33 are pending, the objections and rejections cited are as stated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, 4, 12-15, and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruck et al. (US. 6,088,330).

4. As to claims 1, 2, 4, 12-15, and 23-26, Bruck discloses a reliable distributed computing system, which includes redundancy feature, which includes having a plurality of switch act as an intermediate node, coupled to a plurality of nodes that have at least two communication links for allowing the nodes to reroute communication, in case of link abnormality. Bruck's nodes are

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fault-tolerant node (claims 2 and 4). Furthermore, Brock discloses each of the nodes is capable of selecting communication path from link status, e.g., link abnormality (claim 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck et al. (US. 6,088,330).

7. As to claims 3, 14 and 25, Bruck discloses the invention substantially, as claimed, as described in claim 1, but fails to include a non-fault tolerant node. However, the claimed non-fault-tolerant node, in light of the specification, is a single link node, and as admitted in the applicant background of invention that the non-fault tolerant node was included in the network; prior the invention was made (see background of invention).

It would have obvious to one of ordinary skill in the art at the time of the invention was made to include a non-fault-tolerant node with Bruck's reliable network to enhance reliability of a conventional single link node. The motivation of doing so would have been obvious that to allow the non-fault-tolerant node to take advantage from the reliable network and improving efficiency of the network as a whole.

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8. Claims 5-10, 16-21 and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brock, as applied to claims 1, 11 and 23 above, in view of Okanou et al (US. 5,925,137).

9. Claims 5-10, 16-21 and 27-32, Brock discloses the invention substantially, as claimed, as described, in claims 1 above, but fails to teach links state table includes link status, diagnostic status, data represent routing to other node, status of ability of sending, receiving data.

However, in an analogous art, Okanou teaches a method and system for routing management, which comprises health check feature for diagnosis the network indicate the link status in the table, e.g., active node, link etc. the teaching related to link status, e.g., active status, implies the ability of sending and receiving data of the associated nodes (Abstract; Col. 1, lines 55-67; Col. 2, lines 35-54). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Okanou link state table with Brock to enable each of the node to alter communication path as needed, thereby, improving fault-tolerant efficiency.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

A handwritten signature in black ink, appearing to read 'Bunjob Jaroenchonwanit', with a stylized flourish at the end.

Bunjob Jaroenchonwanit
Examiner
Art Unit 2141

/bj
February 20, 2003